CHALOS, O'CONNOR & DUFFY, LLP Attorneys for Defendants, RP Logistics Pvt Ltd. and R. Piyarelall International Pvt. Ltd. 366 Main Street Port Washington, New York 110050 Telephone: 516-767-3600

Telephone: 516-767-3600 Telefax: 516-767-3605 Owen F. Duffy (OD-3144) George E. Murray (GM-4172)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITHAI MARITIME, LTD.,

Plaintiff,

- against -

RP LOGISTICS PVT LTD. and R.PIYARELALL INTERNATIONAL PVT. LTD.

Defendants.

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ORDER TO SHOW CAUSE WHY RULE B ATTACHMENT SHOLD NOT BE VACATED

Upon the annexed affidavit of Owen F. Duffy, dated July 13, 2007, the exhibits thereto, the accompanying Memorandum of Law and the pleadings and proceedings heretofore had herein:

Let the Plaintiff UNITHAI MARITIME, LTD. (hereinafter "Unithai Maritime") show cause before the Honorable Barbara S. Jones, United States District Judge, at 500 Pearl Street, Courtroom 18B, New York, New York 10007, pursuant to Supplemental Admiralty Rule E and Local Admiralty Rule E.1, which provides for an adversary

hearing on attachment within three court days, on the 19 day of July, 2007 at 10 o'clock, a.m., or as soon thereafter as counsel can be heard, why the following relief should not be granted:

- 1. An ORDER vacating the Process of Maritime Attachment and Garnishment on the basis that:
 - a) The Plaintiff does not have a valid *prima facie* maritime claim against either Defendant RP LOGISTICS PVT LTD. or Defendant R. PIYARELALL INTERNATIONAL PVT. LTD.; and/or
 - b) The Plaintiff does not have a valid *prima facie* alter ego claim against defendant,
 R. PIYARELALL INTERNATIONAL PVT. LTD.; and/or
 - Vacatur is appropriate under the limited circumstances articulated in the Second Circuit decision of <u>Aqua Stoli</u>.

or in the alternative,

2. An ORDER for such other and further relief as the Court may deem just and proper in the circumstances of this case.

Let service of a copy of this Order, and the accompanying Affidavit, Exhibits and Memorandum of Law, be served on counsel for the Plaintiff, Vandeventer Black LLP, on or before 6 o'clock, p.m., on July 16, 2007. In light of the fact that attorneys for the Plaintiff are located in Virginia, Service of this Order is to be made by Federal Express and ECF filing, which is deemed to constitute good and sufficient service;

Answering papers, if any, including but not limited to affidavits, affirmations, declarations, exhibits and/or memorandum of law, shall be served so as to be received by

counsel for the movant, Chalos, O'Connor & Duffy, LLP at their offices at 366 Main Street, Port Washington, New York, 11050, by either telefax or email on or before the $\frac{18}{2}$ day of July, 2007 at $\frac{2}{2}$ o'clock ρ .m.;

Reply papers, if any, on behalf of the movant shall be served by ECF filing so as to be received by counsel for the Plaintiff at their offices as described above, on or before the 19 day of July 2007 at 3.30 o'clock am.

Dated: New York, New York July <u>7</u>, 2007

Honorable Barbara S. Jones/U.S.D.J.

To: Vandeventer Black LLP
Attorneys for the Plaintiff
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